



Reduction or Removal of Regulatory Oversight

Nonregulated Status

Under the current regulations, APHIS may grant “nonregulated status” to a genetically engineered (GE) organism if it is determined not to pose a plant pest risk. APHIS proposes to retain this process, revised to explicitly consider both plant pest and noxious weed risks. Organisms previously granted nonregulated status under the current regulations would still have nonregulated status under the proposed regulations.

Conditional Exemptions

The current regulations have conditional exemptions from the permit requirement for the interstate movement of certain GE microorganisms (*Escherichia coli*, *Saccharomyces cerevisiae*, and *Bacillus subtilis*) and GE plants of the species *Arabidopsis thaliana* if conditions specified in the regulation are met. The conditions specify the type of genes that are engineered into the organism and the way the GE organism is shipped.

APHIS is proposing a new procedure to approve additional conditional exemptions through a petition process, similar to the petition process used to grant nonregulated status. The general features of the procedure include:

- Any person can initiate the petition procedure, including the APHIS Administrator
- Scientific assessment of relevant information needed to evaluate potential plant pest or noxious weed risks
- Opportunity for public review and comment on the proposed exemption and its conditions

Conditional Exemptions versus Nonregulated Status

Once APHIS approves nonregulated status, the GE organism is no longer subject to the provisions of the regulation (i.e., there are no requirements for permits, and no conditions are attached to their movement). The GE organism may be imported, moved interstate, and released into the environment just like a comparable non-GE organism.

A conditional exemption from the requirement for a permit, on the other hand, still requires that certain conditions be met to conduct certain activities with the GE organism (importation, interstate movement, or environmental release). But as long as the conditions are followed, a permit is not required for the specific activity.



Once a GE variety has been granted nonregulated status by APHIS, it no longer requires permits for import, interstate movement, or release into the environment.



Some interstate shipments of GE organisms are exempt from permit requirements as long as the shipment meets certain conditions.